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14 **UNITED STATES DISTRICT COURT**  
15 **CENTRAL DISTRICT OF CALIFORNIA**

16 TYR SPORT, INC., a California  
17 corporation

18 Plaintiff,

19 vs.

20 WARNACO SWIMWEAR, INC. dba  
SPEEDO USA, a Delaware corporation;  
21 UNITED STATES SWIMMING, INC.,  
an Ohio corporation; MARK  
22 SCHUBERT, an individual; ERIK  
VENDT, an individual; and DOES 1  
23 through 10, inclusive,

24 Defendants.  
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26  
27  
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**Case No.: SACV 08-00529 JVS**  
**(MLGx)**

**JUDGMENT AND WAIVER OF**  
**COSTS AND RIGHT TO APPEAL**

**JUDGMENT**

Based on: (1) the Court's March 3, 2010, March 22, 2010 and May 3, 2010 orders granting motions for summary judgment filed by Defendants Speedo USA, a division of Warnaco Swimwear, Inc. ("Speedo"), United States Swimming Inc. ("USA Swimming"), Mark Schubert ("Schubert"), and Defendant and Counter-Claimant Erik Vendt (collectively "Defendants"), (2) the June 28, 2010 stipulation to dismiss between Plaintiff and Defendant Vendt, and the Court's order thereon, and (3) the stipulation for entry of this Judgment executed by all the parties to this action,

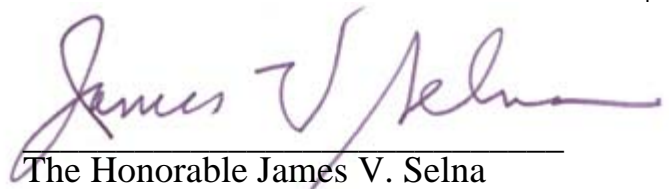
**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

(1) Summary judgment is entered in favor of Defendants Speedo, USA Swimming and Schubert and against Plaintiff TYR Sport, Inc on all remaining claims alleged by Plaintiff in the Complaint, and Plaintiff shall take nothing by way of its Complaint in this action;

(2) Each party shall bear his/its own costs of suit; and

(3) Plaintiff waives its right to appeal from this Judgment or any order entered in this action, this Judgment therefore is final and non-appealable.

Dated: July 29, 2010



The Honorable James V. Selna